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PATENT
Customer No. 22,852
Attorney Docket No. 09812.0743-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Shuki MIZUTANI, <i>et al.</i> |) | Group Art Unit: Not Yet Assigned |
| |) | |
| Application No.: 10/522,277 |) | Examiner: Not Yet Assigned |
| |) | |
| Filed: January 24, 2005 |) | |
| |) | |
| For: FACTOR TAKING PART IN |) | Confirmation No.: 5951 |
| TRANSCRIPTION CONTROL |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Copies of the listed non-patent literature documents are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making an appropriate notation on this form.

The following is a concise statement of relevance of the non-English language documents:

1. Laboratory Manual for Genetic Engineering, 3rd compiled by M. Maturura, issued by Maruzen Co., Ltd. (1996), pp. 242-246, discloses the use of Baculovirus in

production of proteins with the help of insect or mammalian cells. (*Specification*, p. 15, line 4).

2. Niitsu, Y et al., *Molecular Medicine* 35:1385-1395 (1998) discloses examples of vectors including cationic ribosome, ligand-DNA complex, and gene gun. (*Specification*, p. 16, line 3.).

3. *Tactics of SNP Gene Variation*, by Kenichi Matsubara and Yosiyuki Sakaki, published by Nakayama Shoten, p. 128-135 describes DNA array technology.

An English summary is included with these non-English language documents:

1. Noda K. et al., "Gan to kagaku chiryou hou (Cancer and its chemical therapy)", 21, 1633 (1994). (See last page of document).

2. Ogawa I. et al., "Gan to kagaku chiryou hou (Cancer and its chemical therapy)", 10, 2403 (1983). (See last page of document).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 28, 2007

By: _____



James P. Kastenmayer

Reg. No. 51,862

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

3

Application Number

10/522,277

Filing Date

January 24, 2005

First Named Inventor

Shuki MIZUTANI, ET AL.

Art Unit

Examiner Name

Attorney Docket Number

09812.0743-00

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. ¹ | Document Number | Issue or Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-------------------|-----------------------|--|---|---|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US-2005/069986 A1 | 03-31-2005 | Mizutani <i>et al.</i> | |
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
|-------------------|-----------------------|---|--------------------------------|---|---|--------------------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | WO 01 07471 | 02/01/01 | Hillman <i>et al.</i> | | |
| | | WO 01/60855 | 08/23/01 | Gu <i>et al.</i> | | |
| | | WO 01/64834 | 09/07/01 | Tang <i>et al.</i> | | |
| | | WO 99/58559 | 11/18/99 | Gatanga <i>et al.</i> | | |
| | | WO 00/58473 | 10/05/00 | Shimkets <i>et al.</i> | | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
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| IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/522,277 |
| | | | | Filing Date | January 24, 2005 |
| | | | | First Named Inventor | Shuki MIZUTANI, ET AL. |
| | | | | Art Unit | |
| Examiner Name | | | | | |
| Sheet | 2 | of | 3 | Attorney Docket Number | 09812.0743-00 |

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| Examiner Signature | | Date Considered | |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.